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CB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/395,270 09/13/99 PELOSI

F 4451-18

PM82/0616

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EXAMINER

JOHNSON, B

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

06/16/00

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/395,270

Applicant(s)
Pelosi

Examiner
Blair M. Johnson

Group Art Unit
3634



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3623

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman.

Wyman discloses a polymer backing having a double layer of adhesive 10,11, and release films therefor 12,13. It would have been well within the purview of one of ordinary skill in the art to first place the backing on the underlying surface, carpet, concrete, etc., and then place the top carpet or rug thereon, such being an obvious choice of sequence of steps. Furthermore, using different types and/or strengths of adhesive for the different sides of the backing would have been obvious so as to better adhere to the intended surfaces. This backing is applicable to carpets, rugs or carpet tiles. The thickness of the backing is also an obvious variant depending on the application surface, carpet to be used, etc.

3. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman in view of SIGA brochure.

While Wyman primarily explicitly teaches applying a rug to a carpet, using a backing having a release sheet to mount a carpet to a floor is clearly well known as evidenced by SIGMA. Based on this teaching, it would have been obvious to modify Wyman whereby his backing is used to attached a carpet to a floor surface. The other teachings of Wyman are discussed above.

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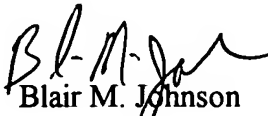
4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman as applied above, and further in view of Shaw bulletin No. 82.

Shaw indicates that his backing sheet may be attached to existing carpets as well as new or existing concrete slabs, page 1. While it is considered that such is obvious, as discussed above, Shaw provides further evidence of such and applying the backing of Wyman to a concrete surface would have been obvious in view thereof.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman, either alone or in view of SIGA, as applied above, and further in view of Murphy et al '910.

Murphy discloses a backing sheet comprising various non-woven polymers, column 2, which indicates that a woven backing, as in Wyman, is not the only means by which the backing can be constructed. It would have been obvious to modify Wyman to have such a backing as an obvious matter of choice of design.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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June 14, 2000
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